

**United States Court of Appeals**  
**For the Eighth Circuit**

UNITED STATES OF AMERICA,

*Plaintiff-Appellee,*

v.

STATE OF MISSOURI, ET AL.,

*Defendants-Appellants.*

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**DEFENDANTS-APPELLANTS' STATEMENT OF THE ISSUES**  
**UNDER RULE 10(b)(3)**

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Defendants-Appellants State of Missouri, Governor Michael Parson, and Attorney General Andrew Bailey, state that they intend to raise the following issues on appeal without prejudice to amending this statement or limiting the issues on appeal:

- Whether the district court erred in failing to dismiss the case for lack of jurisdiction?
- Whether the district court erred in failing to dismiss the case for lack of a cause of action? *See United States v. Texas*, NO. 21-50949, 2021 WL 4786458, at \*1 (5th Cir. Oct. 14, 2021).

- Whether the district court erred in failing to dismiss the case for failing to state a claim?
- Whether the district court erred in granting summary judgment by ignoring the Missouri Supreme Court's exposition on what each provision of the Second Amendment Preservation Act does and misconstruing that law?
- Whether the district court erred in granting summary judgment by holding that the Supremacy Clause of the United States Constitution preempts Missouri's Second Amendment Preservation Act?
- Whether the district court erred in granting summary judgment by holding that Missouri's Second Amendment Preservation Act violates the doctrine of intergovernmental immunity?
- Whether the district court erred in granting summary judgment by holding that any allegedly unconstitutional provision in Missouri's Second Amendment Preservation Act is non-severable?

- Whether the district court's permanent injunction should be reversed because it fails to tailor the remedy to the alleged constitutional violation?
- Whether the district court's permanent injunction should be reversed because it is not tailored to permit Missouri citizens to hold their Missouri governmental entities accountable in Missouri courts?

Dated: March 27, 2023

Respectfully submitted,

**ANDREW BAILEY**

*Missouri Attorney General*

/s/ Jeff P. Johnson

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## CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Jeff P. Johnson  
Jeff P. Johnson